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OCT 03 2013

N.J. BOARD OF NURSING

STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
NEW JERSEY STATE BOARD OF NURSING

IN THE MATTER OF THE SUSPENSION OR:	:	
REVOCATION OF THE LICENSE OF	:	
	:	ADMINISTRATIVE ACTION
ROBERT W. PUGLIESE, L.P.N.	:	
License # 26NP06643600	:	FINAL ORDER
	:	OF DISCIPLINE
TO PRACTICE NURSING IN THE	:	
STATE OF NEW JERSEY	:	
	:	

This matter was opened to the New Jersey State Board of Nursing ("the Board") upon receipt of information which the Board has reviewed and upon which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Robert W. Pugliese ("Respondent") is a licensed practical nurse in the State of New Jersey, and has been a licensee at all times relevant hereto.

2. Upon receipt of a flagging notice indicating that Respondent was arrested on December 3, 2011 by the Red Bank Police Department for Possession Marijuana/Hash Under, in violation of N.J.S.A. 2C:35-10a(4), and Possession of Drug Paraphernalia, in violation of N.J.S.A. 2C:36-2, the Board sent a letter of inquiry to Respondent's address of record in Red Bank, New Jersey, via regular and certified mail on or about December 5, 2011 requesting certain information and submission

of documents. The regular mailings were not returned; the certified mailing was delivered and signed for on December 7, 2011.

3. By letter dated December 12, 2011, Respondent's attorney provided certain information and documents to the Board in response to the Board's inquiry. However, the response was incomplete and certain requested information pertaining to Respondent's employment and narrative of the incident leading to his arrest, was not provided.

4. By letter dated February 9, 2012, Respondent's attorney advised the Board that on February 9, 2012, Respondent appeared at the Red Bank Borough Municipal Court. The charge of Possession Marijuana/Hash Under was dismissed and Respondent was found guilty of a Local Ordinance Violation (3:5-9) for Disorderly Conduct.

5. By fax dated February 15, 2012, the Board advised Respondent's attorney that information was still required in response to the unanswered questions from the Board's letter of inquiry.

6. On December 11, 2012, the Board sent a letter to Respondent and to Respondent's attorney, via regular and certified mail, again advising that Respondent must provide responses to the two unanswered questions from the December 5,

2011 inquiry. The regular mailing was not returned; the certified mailing was signed for on December 14, 2012.

7. To date, Respondent has failed to provide responses to the unanswered questions and to provide the information requested.

#### CONCLUSIONS OF LAW

Respondent's failure to respond to the Board's letter of inquiry constitute a failure to cooperate with a Board investigation in contravention of N.J.S.A. 13:45C-1.2, and 1.3, in violation of N.J.S.A. 45:1-21(e), subjecting Respondent to disciplinary action pursuant to N.J.S.A. 45:1-21(h).

#### DISCUSSION

Based on the foregoing findings and conclusions, a Provisional Order of Discipline seeking the suspension of Respondent's license to practice nursing in the State of New Jersey was entered on July 9, 2013. A copy was forwarded to Respondent's last known address by means of both regular and certified mail. The regular mail was not returned; the certified mail receipt was signed by LucyAnn Pugliese and returned to the Board. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30th business day following entry unless respondent requested a modification or dismissal of the stated Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal setting forth in

writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefor.

To date, Respondent has not submitted a response to the Provisional Order. Although the record reflects that the Provisional Order was served upon respondent, no response has been received to date. Accordingly the Board considered the matter, determined that further proceedings were not necessary and that the Provisional Order should be made final.

ACCORDINGLY, IT IS on this 3<sup>rd</sup> day of Oct., 2013,  
ORDERED that:

1. Respondent's license to practice nursing is hereby suspended until such time as Respondent cooperates fully with the Board's investigation by providing the Board with the information requested in the Board's letter of inquiry.
2. A civil penalty in the amount of two hundred dollars (\$200) is hereby imposed upon Respondent for failure to cooperate with a Board investigation. Payment shall be made by certified check or money order payable to "State of New Jersey," delivered or mailed to George Hebert, Executive Director, State Board of Nursing, P.O. Box 45010, Newark, New Jersey 07101. Payment shall be made no later than 15 days after the entry of this Final Order of Discipline. In the event Respondent fails

to make a timely payment, a certificate of debt shall be filed in accordance with N.J.S.A. 45:1-24 and the Board may bring such other proceedings as authorized by law.

3. Respondent shall refrain from practicing as a nurse and shall not represent himself as a Licensed Practice Nurse until such time as his license is reinstated. Any practice in this State prior to reinstatement shall constitute grounds for a charge of unlicensed practice.

4. Nothing herein precludes the Board from taking action on the underlying conduct that was originally the subject of inquiry in this matter.

NEW JERSEY STATE BOARD OF NURSING

By: Patricia Murphy PhD, APRN, FAAN  
Patricia Murphy, PhD, APN  
Board President